THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.34022 of 1997

Dated:19.09.2007

Between

Sakala Madusudhana Rao

..Petitioner

and

1.Commissioenr of Endowments
Tilak Road, Abids, Hyderabad
and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.34022 of 1997

ORDER:

This writ petition is filed by the founder Trustee of Sri Kunala Punnaiah Dharmasatram, Chilakaluripet, Guntur District being aggrieved by an order dated 18.7.1996 issued by 1st respondent-Commissioner of Endowments.

Under the impugned proceedings dated 18.7.1996 1st respondent appointed the Executive Officer to manage the affairs of Sri Kunala Punnaiah Dharmasatram, Chilakaluripet, Guntur, consequently, the founder trustee powers were divested to the Executive Officer.

On 13.12.1997 in WPMP No.40016 of

1997, this Court granted interim suspension and the same is still continuing.

Learned counsel for the petitioner contended that subject institution is registered under the Endowment Act and it has been categorized as 6-C institution and the founder trustee is entitled to manage the affairs of the institution. Therefore, the appointment of an Executive Officer to manage the affairs of the institution under the impugned proceedings is arbitrary and illegal. May be the authorities can appoint an Executive Officer to manage the affairs of the institution whenever there is mis-management etc. But in this case neither there is any indication in the impugned proceedings nor the petitioner was put on notice as to the intention of the respondents to appoint an Executive Officer to manage the affairs of the institution in the public interest. Learned counsel also relied upon a Judgment reported in **P.Sridhara Rao v., Govt of A.P.**,[1] and contended that without conducting any

enquiry or without issuing any notice, the action of the respondents in appointing the Executive Officer is in gross violation of principles of natural justice.

The respondents have filed a counter denying the allegations made by the petitioner. It is stated that in view of the interim orders passed by this Court, the Executive Officer had not taken the charge of affairs of the institution and the petitioner is continuing to manage the affairs of the institution since 1997.

It is an admitted fact that no enquiry of any kind was conducted as to the management of affairs of the institution or the petitioner was issued any notice before passing the impugned proceedings. Therefore, I am of the opinion that the impugned proceedings are in gross violation of principles of natural justice apart from that now it is more than 10 years since the writ petition is pending.

Therefore, writ petition is allowed and the impugned proceedings are set aside. However,

this order will not preclude the respondents from taking a fresh decision in this regard, after putting the petitioner on notice and giving him opportunity of personal hearing, if necessary. If any enquiry is sought to be conducted by the respondents at this length of time, they may consider the judgments reported in **P.Sridhara Rao v., Govt of A.P**. (1 supra) and also in **Executive Officer T.G.Temples v. Gopal Inani**[2] No costs.

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19-09-2007

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[1] AIR 1996 SC 1334
2. 1996 (1) ALD 1187 (DB)